

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LAURA E. GREENWAY,	:	CIVIL ACTION NO. 3:17-CV-1578
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
NANCY A. BERRYHILL,	:	
Acting Commissioner of the	:	
Social Security Administration,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 22nd day of May, 2019, upon consideration of plaintiff's renewed motion (Doc. 14) for default judgment wherein plaintiff avers that she has effected service on the defendant in this action, the Acting Commissioner of the Social Security Administration ("Commissioner"), (*id.* ¶ 9), and requests entry of default judgment for the Commissioner's purported failure to timely respond in accordance with the Federal Rules of Civil Procedure, (*id.* ¶¶ 10, 14), and further upon consideration of the correspondence (Doc. 15) filed on May 20, 2019, wherein the United States Attorney's Office for the Middle District of Pennsylvania advises that it has not been served with the summons and complaint as required by the Federal Rules, (see id.), and it appearing from the court's review of the record that plaintiff purports to have served the Commissioner and the Attorney General of the United States in accordance with Rule 4(i)(1)(B) and 4(i)(2), see FED. R. CIV. P. 4(i)(1)(B), (i)(2); (Doc. 14 ¶ 9), although plaintiff never filed an affidavit of service as required by the Local Rules of Court, see LOCAL RULE OF COURT 4.1, but it also

appearing that plaintiff has not yet served the United States Attorney or the United States Attorney's Office for the Middle District of Pennsylvania as required by Rule 4(i)(1)(A), see FED. R. CIV. P. 4(i)(1)(A)(i)-(ii), and the court thus concluding that entry of default or default judgment is inappropriate, it is hereby ORDERED that:

1. Plaintiff's renewed motion (Doc. 14) for default judgment is DENIED.
2. Plaintiff shall have 21 days to effect proper service of the summons and complaint in accordance with the court's standing order (Doc. 3) and the Federal Rules of Civil Procedure. Failure to effect timely and proper service may result in dismissal of this action.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania